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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF WISCONSINNEIL GAIMAN and MARVELS AND
MIRACLES, LLC,

Plaintiffs,

v.

TODD McFARLANE, et al.

Defendants-Counterclaimants.

Case No. 02-C-0048-S

**THE DEFENDANTS' BRIEF IN SUPPORT OF THEIR OBJECTIONS TO
PLAINTIFFS' PROPOSED TRIAL EXHIBITS 11 AND 71**

Defendants Todd McFarlane, Todd McFarlane Productions, Inc., TMP International, Inc., and McFarlane Worldwide, Inc. (collectively, the "McFarlane Defendants"), through their attorneys LaFollette Godfrey & Kahn and Blackwell, Sanders, Peper, Martin, and defendant Image Comics, Inc., through its attorneys, Brobeck, Phleger & Harrison, respectfully submit this Brief in Support of their Objections to Plaintiffs' Proposed Trial Exhibits 11 and 71.

Proposed Trial Exhibit 11 is inadmissible because it is irrelevant to any contested issue in this case and contains potentially prejudicial statements to Todd McFarlane not related to this case. In particular, the memorandum ends with the line "Your loyal slave till you fuck me over." The defendants' principal objection to this memorandum is this line, and would not object to the admission of this document if this line was redacted. The disputed line has no relevance to any issue in this case and should be excluded because it contains profanity and could prejudice the jury against the defendants. It is inadmissible under Rules 402 and 403, Fed. R. Evid.

Proposed Trial Exhibit 71 should be excluded under Rule 402 because it is irrelevant to any contested issue in this case. The exhibit consists of a contract between the bankrupt Eclipse Comics and Mark Buckingham related to the Miracleman comic. Mr. Buckingham's contributions to old issues of this comic is not at issue in this lawsuit. There is therefore no reason to present this contract as an exhibit in this case. Admission of this document would only lead to jury confusion and unnecessary and cumulative testimony.

Dated: September 20, 2002

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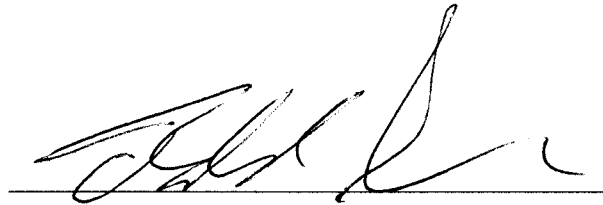
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on all counsel of record via hand delivery and regular mail this 20th day of September, 2002, addressed to the following:

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A handwritten signature in black ink, appearing to read "Allen A. Arntsen", is written over a horizontal line.

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